

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

House Document

No. 198

H. P. 726

House of Representatives, Feb. 17, 1927.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Sargent of Brewer.

STATE OF MAINE .

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-SEVEN

AN ACT Relating to Application for License to Build or
Extend Wharves and Fish Weirs.

Be it enacted by the People of the State of Maine, as follows:

Section one hundred and twenty-one of chapter four of
2 the revised statutes, as amended by chapter one hundred
3 and thirty-five of the public laws of nineteen hundred and
4 twenty-one, chapter eighty-five and chapter one hundred
5 and twenty-seven of the public laws of nineteen hundred
6 and twenty-three, and chapter one hundred and eighty of
7 the public laws of nineteen hundred and twenty-five, is
8 hereby further amended by striking out the words "in the
9 newspaper, published in the county, which is nearest the
10 municipality in which the proposed wharf or weir is to be

11 located" in the eighth and ninth lines thereof, and inserting
12 in the place thereof the words 'if there be no newspaper
13 published in the municipality, in a newspaper published with-
14 in the county,' and by striking out the word "wharf" in the
15 eighteenth line thereof, and by inserting after the word
16 "described" in the twenty-first line thereof the words 'said
17 municipal officers shall, within three days after the date of
18 the hearing, give written notice of their decision to all parties
19 interested,' and by inserting after the word "fisheries" in
20 the twenty-fourth line thereof the words 'within ten days
21 after such written notice,' so that said section, as amended,
22 shall read as follows:

'Sect. 121. Any person intending to build or extend any
2 wharf or fish weir or trap in tide-waters, within the limits
3 of any city or town, may apply in writing to the municipal
4 officers thereof, stating the location, limits and boundaries, as
5 nearly as may be, of such intended erection or extension,
6 and asking license therefor. Upon receiving such applica-
7 tion, said officers shall give at least three days' public notice
8 thereof in a newspaper published in the municipality, or,
9 if there be no newspaper published in the municipality, in
10 a newspaper published within the county, and shall therein
11 designate a day on which they shall meet on or near the
12 premises described, and examine the same. If upon such
13 examination and hearing of all parties interested, said offi-
14 cers decide that such erection or extension would not be
15 an obstruction to navigation, or an injury to the rights of

16 others, and determine to allow the same, they shall issue a
17 license under their hands to the applicant, authorizing him
18 to make such erection or extension, and to maintain the
19 same within the limits mentioned in such license; the appli-
20 cant for license to build or extend a fish weir or trap as
21 aforesaid, shall first give bond to the town, without sureties,
22 in the sum of one hundred dollars, conditioned that upon
23 the termination of such license he shall remove all stakes
24 and brush from the location therein described. Said mu-
25 nicipal officers shall, within three days after the date of the
26 hearing, give written notice of their decision to all parties
27 interested. Any person aggrieved by the decision of the
28 municipal officers in either granting or refusing to grant a
29 license as hereinbefore provided may appeal to the com-
30 mission of sea and shore fisheries within ten days after such
31 written notice. On receiving such an appeal, said com-
32 mission shall set a time and place for a hearing and give
33 notice thereof in the same manner as is hereinbefore pro-
34 vided for a hearing, before municipal officers. At least two
35 members of the commission shall be present at the hear-
36 ing and no member of the commission shall act on any
37 appeal in any town of which he may be a resident or the
38 owner of a wharf or a weir. The party appealing from the
39 decision of the municipal officers, shall at the time of enter-
40 ing his appeal, file a bond without sureties in the sum of
41 twenty-five dollars with the treasurer of the state and such
42 bond shall be forfeited to the state if the appellant fails to

43 prosecute his appeal or if the decision of the commission of
44 sea and shore fisheries sustains that of the municipal officers.
45 The decision of the said commission shall be communicated
46 within three days after the date of the hearing to the appel-
47 lant and to the municipal officers of the town in which the
48 proposed wharf or weir is located; and this decision shall
49 be binding on said municipal officers, who shall issue a
50 license, if so directed by the decision of the commission,
51 within three days after said decision has been communi-
52 cated to them.'

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